

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

**MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Lester Knighten, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Petitioner filed a motion seeking leave to proceed *in forma pauperis*. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied and petitioner directed to pay the \$5 filing fee.

The court has received the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. No objections were filed to the Magistrate Judge's Report and Recommendation.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Petitioner's motion to proceed *in*

forma pauperis is **DENIED**. Petitioner shall pay the \$5 filing fee within 30 days of the date set forth below.

SIGNED at Beaumont, Texas, this 15th day of December, 2006.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE